Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: June 8, 2004	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 004-09705-2199-055	Date: June 8, 2004 Time: 0152
City or Station: City of Compton	Nature of Incident: Two deputies attempted to stop a vehicle for a traffic infraction. When the vehicle slowed, the passenger extended his arm out the window and fired several rounds at the deputies. The deputies returned fire with at least three rounds. A short vehicle pursuit ensued, during which time the suspects and deputies exchanged several more rounds.
Location: Santa Fe Avenue and Oaks Street	

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*):
Darkness, Daylight, Other, Street Lights

Weather (*circle only one*):
Clear, Cloudy, Fog, Rain

Distance: 40 - 100 feet

Incident Type (*circle one or more*):
Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*):
Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, Other, Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
9	Unknown	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
None				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Sill	Derek		On Duty; Present during shooting; Witness to shooting; Involved in shooting
[redacted]	Hiles	Richard		On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Blackwell	Gary	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Williams	Teri	

PSTD Use Only

SH # 2120423

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 004-09705-2199-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
June 8, 2004	0152 hrs	Sept. 24, 2004	

Employee #	Last Name	First Name	M.I
[redacted]	Morris	William	B
[redacted]	Taylor	Rossanna	
[redacted]	Jennings	Rick	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH					NN	
S#1	E#2	FH					NN	
E#1	S#1	FH	BR	9	Y	Y	NN	
E#2	S#1	FH	BR	9	Y	Y	NN	
S#2	E#1	FH					NN	
S#2	E#2	FH					NN	
E#2	S#2	FH	BR	9	Y	Y	NN	
E#2	S#2	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 004-09705-2199-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Kimball	First Name: Neil	M.I.
Sex: M Race: White	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): Unit 213-H
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [X]
Hrs of sleep prior to shooting: 4 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: 36 Height: 6'00"	Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [X] Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: Guerrero	First Name: Tony	M.I.
Sex: M Race: Hispanic	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): Unit 213-H
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: 38 Height: 5'10"	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

DEPUTY INVOLVED SHOOTING — NON-HIT
JUNE 8, 2004 @ 1:52 AM
CENTURY STATION PERSONNEL
SANTA FE AVENUE AND PINE STREET, COMPTON
004-09705-2199-055
SH2120423

On June 8, 2004, Sergeant Brian Morris, Sergeant Rosanna Taylor, and Lieutenant Rick Jennings, of the Internal Affairs Bureau - Shooting Response Team, went to Century Station's area regarding on-duty Deputy Involved shooting. Attorney Ben Jones, of the Office of Independent Review also responded.

When the team arrived at the Command Post, located at 1916 N. Long Beach Boulevard, Lynwood, it was learned that an active containment was being held and it was believed two suspects were within the containment.

Investigators learned that Deputies Tony Guerrero and Neil Kimball were working a two-man car (unit 213-H) and were involved in an on-duty shooting. Through the personnel at the Command Post it was learned that the deputies were in the area of Little Alameda and Pine Avenue, in the city of Compton, when they observed a suspicious vehicle traveling east on Pine Avenue. The deputies followed the vehicle, which was traveling at a high rate of speed, to Santa Fe Avenue, where the vehicle turned south. The deputies follow the vehicle and initiated the vehicle stop just north of Oaks Street. Instead of pulling to the right curb, the vehicle veered left across the painted yellow lines on the street and into the northbound lanes. The vehicle slowed to a near stop. Prior to the vehicle coming to a complete stop, both doors opened and the passenger extended his arm out the door and fired several shots at the radio car and the deputies. Both deputies return fire and the suspect vehicle sped from the location east on Oaks Street. The deputies pursued the vehicle eastbound on Oaks Street. Within a few moments of initiating the pursuit, the deputies again heard the report of gunfire from the suspect vehicle. Deputy Kimball, who was the passenger, fired several additional shots at the suspect vehicle, as they continued east on Oaks Street. Just prior to reaching Short Avenue, the suspect vehicle slowed, both suspects jump from the moving vehicle, and ran northbound on Short Avenue. The unoccupied suspect vehicle continue rolling east on Oaks Street across Short Avenue and struck the north curb and a parked vehicle. Deputies Guerrero and Kimball established the containment of the area.

A search of the containment area was conducted and both suspects were located at [redacted] and taken into custody without incident.

Deputy Randy Barber wrote the Incident Report (Exhibit-A) regarding the incident. Deputies Guerrero and Kimball each wrote Supplemental Reports regarding their own action (Exhibit-A).

I.A.B. Investigators contacted Deputies Guerrero and Kimball at Century Station. Both deputies choose not to submit to an interview without an attorney present. Deputy Kimball said he believed

he fired four to six rounds from his Department issued Beretta 92-F pistol. He said after the shooting he returned his weapon to the holster and had not removed since. He said he carried his weapon loaded to full capacity with 15 rounds in the magazine and one in the chamber. Sergeant Morris inspected Deputy Kimball's weapon (Beretta 92-F pistol, serial number D[redacted]Z). The inspection revealed there were nine rounds in the magazine and one in the chamber. Based on this count, Deputy Kimball fired six rounds.

Deputy Guerrero said he fired two rounds from his Department issued Beretta 92-F pistol. He said after the shooting he returned his weapon to the holster and had not removed since. He said he carried his weapon loaded to full capacity with 15 rounds in the magazine and one in the chamber. Sergeant Morris inspected Deputy Guerrero's weapon (Beretta 92-F pistol, serial number [redacted]Z). The inspection revealed there were 13 rounds in the magazine and one expended shell casing in the chamber. Based on this count, Deputy Guerrero fired three rounds.

Both weapons were given to Criminalist James Carroll, who was at the crime scene, for delivery to the Crime Lab for testing and examination. Mr. Carroll submitted a report detailing his examination of the weapons (Exhibit-C). Although it is not written in his report, Mr. Carroll told Sergeant Morris he suspected Deputy Guerrero was not firmly holding his weapon when he fired his last shot, which caused the weapon to not eject the final expended shell casing. His examination of both weapon revealed they were functioning properly.

Deputies Kimball and Guerrero were interviewed separately on June 15, 2004, at Internal Affairs Bureau, by Sergeant Brian Morris and Lieutenant Rick Jennings. Both deputies were accompanied by their attorney, Jim Brady, from the law office of Green and Shinee (Counsel to ALADS). Both interviews were audio recorded.

Deputy Kimball said he has been a Deputy Sheriff for approximately five years and has worked at Century Station for approximately three years.

Deputy Guerrero said he has been a Deputy Sheriff for approximately five years and has worked at Century Station for approximately three years.

Both deputies stated substantially the same thing about the incident. The following is based on both deputies statements. Any variations in their statements will be identified.

The deputies said the were working a two-man unit (213-H) on Early Morning Shift. They started their shift at [redacted] PM, and were scheduled to end it at [redacted] AM. Deputy Guerrero was driving and Deputy Kimball was the passenger. Both deputies said their regular assignment was that of "vacation relief" and they were not regular partners, although they had worked together many times in the past.

The deputies said they were patrolling south on East Alameda Street ("Little Alameda") approaching Pine Street. They said when they stopped for the stop sign at the intersection of Alameda Street and

Pine Street, they saw a gray Pontiac Grand-Am cross through the intersection heading east on Pine Street. Deputy Guerrero (who was the driver) illuminated the vehicle with his spot light as it crossed their path. They then turned and followed the car. The vehicle immediately accelerated. When the Grand-Am got to Sante Fe Avenue, it turned right (south) and continued. The deputies followed the vehicle. After turning south on Santa Fe Avenue, Deputy Guerrero activated the radio car's forward red emergency light and they attempted to effect a vehicle stop for speeding.

The Grand-Am slowed to a roll and as it did so, it veered across the painted yellow lines into the north bound traffic lanes. The deputies were about three car lengths behind it. When the vehicle had almost come to a full stop, both doors abruptly opened all the way. The deputies said they thought the occupants were going to flee on foot. Deputy Kimball was yelling commands to the occupants to remain in the vehicle. Suddenly, both deputies saw the passenger reach out the open door with a handgun and begin firing at them. Both deputies said they thought the passenger fired five or six times. They both said they saw the muzzle flash and heard the sound of the gun being fired. They both said the passenger did not get out of his seat or exit the car, but was firing to the rear from his seated position. Deputy Kimball said he did not know what hand the suspect was holding the gun in, but Deputy Guerrero said the suspect was holding it in his right hand. When this happened, neither deputy had exited the radio car, although they both said their doors were open in anticipation of having to run after the suspects.

Deputy Kimball said he fired one round at the suspect through the windshield of his vehicle. Deputy Guerrero said he fired two rounds at the vehicle through the windshield of the radio car.

Neither deputy said they heard or saw any rounds being fired from the driver's side of the suspect vehicle at this time. The suspect vehicle then sped away south on Santa Fe Avenue for about 20 feet, where it turned left on Oaks Street and headed east. The deputies immediately followed the suspect vehicle.

Upon turning east on Oaks Street, both deputies said they immediately heard multiple additional gunshots. Neither deputies said they saw muzzle flashes at this time, but believed the shots were coming from the suspect vehicle, given what had just transpired. The suspect vehicle was two to three car lengths in front of them at this time. Deputy Kimball said he put his gun out of window of the radio car and fired several additional rounds at the suspect vehicle. Deputy Kimball said the suspect vehicle accelerated away from them and he stopped shooting at it.

The suspect vehicle continued east on Oaks Street. The deputies said they momentarily lost sight of the vehicle because Oaks Street veers to the right. They said when they regained sight of the suspect vehicle they were approaching Short Avenue. They said while the suspect vehicle was still traveling east, both suspects jumped from the vehicle and ran north on Short Avenue and the vehicle continued traveling east on Oaks Street, unoccupied. As the suspect vehicle crossed Short Avenue, it veered to the left and collided with the north curb and a parked vehicle at the northeast corner of Oaks Street and Short Avenue.

At this point Deputy Kimball initiated the radio broadcast advising what had happened, requesting assistance, and establishing a containment of the area. Once a containment of the area and a Command Post had been established, Deputies Kimball and Guerrero were transported to Century Station.

Deputies Kimball and Guerrero were asked why they chose to shoot through their windshield. Both deputies said at the time the passenger suspect begin firing at them, they both had already drawn their weapons, but not exited the radio car. They both said firing at the suspect through their windshield was their only defense. Both deputies were asked if they had training or experience in the effectiveness and accuracy of shooting a firearm through an automobile windshield. Both deputies said [redacted].

Deputy Kimball said [redacted]. Deputy Guerrero said [redacted]. Deputy Guerrero said notwithstanding his knowledge of this, he felt it necessary to return fire at the suspect in his own defense.

Deputy Kimball was asked if during the second volley of gunfire he gave consideration to the background behind the suspect vehicle (which is a residential area). He said he did not. He said he was being fired upon and return fire in his defense. He said the entire event was over very quickly and there was not a lot of time for consideration of anything.

Deputy Guerrero, who was the driver, was asked if he considered stopping the chase when the passenger suspect began firing upon them while driving east on Oaks Street. He said he did not.

Deputy Kimball said he initiated radio broadcast at the first opportunity he had.

CAPTURE OF THE SUSPECTS:

The suspects were captured at [redacted] by S.E.B. deputies who were searching the containment with bloodhounds. Their attention was drawn to the location because of an apparent domestic dispute. When they investigated, they learned the dispute was between Suspect Gaston and his [redacted], who lived at the house. The dispute was apparently related to Suspect Gaston and Willis's presence at her house. The criminal investigators obtained a search warrant for the house in an effort to locate the suspect's guns. The guns were never located. A copy of the search warrant in located in the Miscellaneous Documents section of this case.

Suspects Izell Gaston and Manuel Willis were captured at [redacted] during the containment search. Sheriff's bloodhounds were used to track the suspects from the crashed vehicle to where they were captured, which was one block [redacted] and a few houses to the west. They were

hiding at the home of Suspect Gaston's [redacted]. Both suspects were interviewed and denied any involvement in the incident.

Civilian Witnesses were searched for but none were located. Deputies contacted sixty one residents along Oaks Street. The deputies each submitted Supplemental Reports and Canvass Cards (Exhibit-B) detailing who they contacted. Several of the residents reported hearing gun shots or being awakened by the police activity after the incident was over. One resident said he saw a radio car following another vehicle. No direct witnesses to the incident were found.

EVIDENCE:

Ten bullet strikes to the two vehicles were identified by Criminalists from the Los Angeles Sheriff's Crime Lab. The bullet strikes were identified alphabetically A - J and are described in James Carroll's report, Exhibit-C. Based on information from Mr. Carroll, several of the bullet strikes on the suspect vehicle were from front to rear. Their location and trajectory suggested they were bullets fired by the driver of the suspect vehicle, Suspect Willis. Photographs and identification of those bullet strikes can be found in the Pictures and Diagrams section of this case.

Eleven expended shell casings were recovered from the street along the path of the chase. Those items are described in James Carroll's report, Exhibit-C. Mr. Carroll, identifies that casings 3,4, and 6 (as identified on the diagram Exhibit-F) were fired by Deputy Kimball's weapon. Shell casing #2 was a 45 caliber and not fired by either deputy's weapon. Casings 5 and 7 through 11 were not fired by either deputy's weapon. According to Mr. Carroll, these casings possess characteristics consistent with Glock and Smith and Wesson pistols. Casing #1 was not fired by either of the deputies weapons not by the weapon which fired casings 5 and 7 through 11. Based on this information, the two suspects possessed and fired three weapons. One 45 caliber and two 9mm.

PROSECUTION:

The criminal case was filed in Compton Court, Case #TA075095.

Both suspects were charged with:

Two counts of Attempt Murder of a Police Office (664/187 P.C.)
Two counts of Assault with a Firearm on a Police Officer (245d1 P.C.).
One count each of Shooting at an Occupied Motor Vehicle (246 P.C.).
One count each of Possession of Marijuana for Sales (11359 H&S)
Suspect Gaston was also charged with one count of Felon in Possession of a Firearm (12021a1 P.C.)

At the time of the submission of this report the case was pending jury trial, set for November 5, 2004.